

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



August 4, 1994

ALL-COUNTY LETTER NO. 94-64

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
 - ☒ Federal Law or Regulation Change
 - ☐ Court Order
 - ☐ Clarification Requested by One or More Counties
 - ☐ Initiated by CDSS
-

SUBJECT: Revised Regulations for the Aid to Families with
Dependent Children (AFDC) Program

REFERENCES: MPP 40-129.121; 44-133.31; 44-133.7; 80-301 m.(2);
82-832.18

Senate Bill (SB) 1834 (Chapter 1311, Statutes of 1992)
45 Code of Federal Regulations (CFR) 205.50(a)(1)(A)
(Federal Register Volume 58, No. 182, September 1993)

The purpose of this letter is to provide you with copies of proposed regulations which are to be effective September 1, 1994. These regulations implement revisions and expansions as a result of State and Federal law changes. A summary of the changes are as follows:


- o Deletion of reference to "WIN Demo" under MPP 44-133.31.
- o Deletion of "legal guardians" as members who must have their income considered when minor parents are residing in their home under MPP sections 40-128 and 44-133.7.
- o Addition of "state certified nurse midwife" and "nurse practitioner," deletion of "authorized member of the physician's staff," and addition of "designated medical personnel" to the list of providers who may verify pregnancy to establish AFDC eligibility under MPP 80-301 m.(2).
- o Addition of "refugee eligible for alternative project" to the list of persons excluded by law under MPP 82-832.18.

These changes will not require any new AFDC forms or Notices of Action.

Page Two

If you have questions regarding pregnancy verification, please contact Henry Puga at (916) 654-1068. For questions regarding other changes, contact Julie Lopes at (916) 654-1786. The CALNET prefix for these telephone numbers is 454.

Sincerely,


for MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Attachment

DRAFT

Amend Section 40-128 to read:

40-128 APPLICANT'S STATEMENT OF FACTS (Continued)

40-128

.12 Minor Parent Residing with Unaided Senior Parent(s) ~~of legal guardian(s)~~

.121 The minor parent (see Section 44-133.71) who applies for aid while residing in the same household as his/her unaided senior parent(s) ~~of legal guardian(s)~~ must report the income of his/her parent(s) ~~of legal guardian(s)~~.

In addition to the form CA 2 or CA 20, the minor parent shall submit a complete Supplement to the Statement of Facts (CA 23) to the county welfare department. The minor parent is responsible for obtaining all information necessary to complete the CA 23 and for obtaining the necessary verification from the senior parent(s) ~~of legal guardian(s)~~. The information and the submitted verification must provide the county welfare department with the facts necessary to make a correct eligibility and grant determination. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.50(a)(1)(A), 42 USC 602(a)(39), Family Support Action Transmittal 91-15 dated April 23, 1991 and Omnibus Budget Reconciliation Act (OBRA) of 1990.

Amend Sections 44-133.31(a) and .7 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 (Continued)

.31 Income shall not be allocated to meet the needs of any parent or child who is required to be included in the filing unit and has been sanctioned or who has failed to cooperate in meeting a condition of eligibility. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

(a) Failing to register for ~~WIN DEMO~~/ JS, GAIN, or refusing, without cause, to participate in the programs; (Continued)

.7 Income in Cases Where the Senior Parents ~~or Legal Guardians~~ Reside in the Home with a Minor Parent

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11450, 11452, 11453, and 11486, Welfare and Institutions Code; 45 CFR 233.20(a)(1)(i); 45 CFR 205.50(a)(1)(A); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; ~~and~~ Simpson v. Hegstrom, 873 F.2d 1294 (1989); and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993 and 42 USC 602(a)(39).

Amend Section 80-301 to read:

80-301 DEFINITIONS (Continued)

80-301

m. (1) (Continued)

(2) Medical Verification
of Pregnancy

"Medical verification of pregnancy" means a written statement from a physician, physician's assistant, state certified nurse midwife, nurse practitioner or by an authorized member of the physician's staff designated medical or clinic personnel with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated delivery date.
(Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.90(c)(2)(iv) and Sections 10553 and 11450, Welfare and Institutions Code.

Amend Section 82-832 to read:

82-832 EXCLUDED PERSONS (Continued)

82-832

.1 (Continued)

.18 Refugee Eligible for
Alternative Project

Is a refugee who is eligible for and required
to participate in an alternative project
implemented pursuant to Section 412(e)(7) of
the federal Immigration and Nationality Act.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR
233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR
233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR
233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv),
45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, and 45 CFR 250.34(a)
and (c), and (c)(2); and Sections 11008.13, 11104, 11157,
11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e),
11406.5, 11450, 11477, and 11486, Welfare and Institutions Code.